

ATTACHMENT A
Remarks

Claims 1, 2, 4, 6-15, 19 and 20 are pending in the present application. By this Amendment, Applicant has amended claims 1, 2, 4, 6, 7, 9, and 15; added new claims 19 and 20; and canceled claims 3, 5 and 16-18. Applicant respectfully submits that the present application is in condition for allowance based on the discussion that follows.

In the outstanding Office Action, claims 1-4, 9, 12 and 16-18 were rejected under 35 U.S.C. §102(b) as being anticipated by McAlpine (U.S. Patent No. 6,273,655) (hereinafter "McAlpine") and claims 11, 14 and 15 were rejected under U.S.C. §103(a) as being unpatentable over McAlpine in view of Boozer (Canadian Patent No. 2,342,707) (hereinafter "Boozer"), Adam (U.S. Patent No. 4,631,889) (hereinafter "Adam") or Swemmer (Canadian Patent No. 2,180,878) (hereinafter "Swemmer"). However, claims 5-8 were indicated as corresponding to allowable subject matter.

By this Amendment, Applicant has amended claim 1 to include the subject matter of claims 2, 3 and 5, which are believed to correspond to the allowable subject matter, as indicated. Claims 3 and 5 were canceled due to their respective previously presented relevant limitations and are now incorporated into claim 1 (currently amended). Claim 15 has been amended to include elements of claims 2 and 4 which, with the remaining elements of claim 15, are believed to correspond to allowable subject matter. Various other claims have been amended, as necessary, to be consistent with the amended subject matter.

In view of the aforementioned amendments, Applicant respectfully submits that all pending claims present allowable subject matter and, therefore, Applicant

respectfully requests that the rejection to the aforementioned claims under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn.

Finally, Applicant respectfully submits that the pending claims are novel and non-obvious in view of the prior art cited in a corresponding Russian patent application, RU 2006118307/03, filed May 26, 2006, which is the Russian national phase application of International patent PCT/CA2004/001878. In that corresponding Russian patent application, the Russian patent examiner cited Soviet SU 1511425 (hereinafter "SU '425"). Contemporaneously filed with this Amendment is an IDS which cites the Russian Office Action, an English translation thereof, and the SU '425 patent, as well as the seven U.S. patent references.

Applicant has studied the SU '425 reference and determined that SU '425 discloses an invention that cannot function as an anchoring device, as intended, due to its disclosed shape, since the device cannot generate sufficient radial pressure when displacing the insertion wedge inside a stationary elastic material for its stated purpose. Therefore, the device of SU '425 presents an inoperable device. Accordingly, the reference fails to provide an enabling disclosure in order for one of ordinary skill in the art to practice the presently claimed invention. Thus, SU '425 fails to be an anticipating reference of the present invention.

Referring specifically to why the device of SU '425 is inoperable, in order to achieve optimal pressure when used as a primary anchoring device, the insertion wedge (4) of SU '425, generating radial pressure, needs to be inserted within elastic material (1). However, for the insertion wedge to be effectively locked in place,

retaining means must be provided for the elastic material (1), a feature that is not shown in the figures of SU '425.

Moreover, the boreholes drilled in mineshaft walls, during underground foraging, have a rough and generally bumpy interior. In that kind of situation, the insertion wedge (4) described in SU '425 is also lacking the adequate retaining means needed to keep the elastic material (1) in place and thus cannot apply sufficient pressure about it. The insertion wedge (4) would therefore slide within the elastic material (1) without applying the required optimal pressure upon it.

The SU '425 drawings further show that the elastic material (1) is longer than the insertion wedge (4) and extends to and engages the bearing plate (6) at the mouth of the borehole. In mineshafts, bearing plates are frequently unearthed due to rickety boulders or ground movements; this behavior causes a decompression of the elastic material (1). Therefore, because the insertion wedge (4) is lacking retaining means to immobilize the elastic material (1), the insertion wedge (4) will slide, and it will not be possible to control the optimal pressure applied to the elastic material (1).

SU '425 shows that the insertion wedge (4) is opened at only one end mouth extremity. This could lead to lower pressure generated by the insertion wedge (4) if the latter is not inserted completely inside the elastic material (1) when the stud bolt (2) abuts against the bottom of the insertion wedge (4). In sharp contrast to SU '425, it should be noted that in the present device, all the insertion wedges shown are opened at both opposite ends to prevent such a hazard.

In SU '425, there fails to be any disclosure, let alone hint, to use the described anchoring device as secondary anchor, to be used in conjunction with a sturdier primary

anchor to further augment applied pressure. On the contrary, in the present device, those issues are resolved.

Therefore, in accordance with the present invention, all the insertion wedges used as primary anchors possess integrated retaining means which allow the insertion wedge to be moved along with the plastic material in order to generate optimal pressure.

The insertion wedges described by the Applicant, i.e. ones that do not possess integrated retaining means, would be used as secondary anchors to further enhance the pressure generated by the stronger primary anchors. It should be noted that the SU '425 device does not disclose the intention or the technology to use the invention in combination with other devices.

All the insertion wedges described in the present disclosure are built to make the retaining bolt go through both extremities of the insertion wedge in order for the elastic material to position itself correctly upon the insertion wedge. SU '425 shows that the insertion wedge has a closed end which can stop the bolt from screwing, even though the elastic material may not be pressed upon hard enough, thus not producing enough pressure for the device to accomplish its intended purpose. This critical feature, lacking in the SU '425 device, is essential to the good functioning of the present invention.

The device, in accordance with the present invention, discloses the usage of a combination of anchoring devices working together to further augment applied pressure upon the elastic material, a method that is not disclosed in SU '425, as stated above.

In SU '425, although there is some indication that its insertion wedge produces a radial force, one of ordinary skill in the art would know, as previously explained above,

that the insertion wedge used as primary anchor in SU '425 cannot generate sufficient pressure for the intended use, due to the fact that the insertion wedge does not possess integrated retaining materials to retain the plastic material and to further allow the two parts to slide, and thus generate maximal pressure.

Furthermore, SU '425 does not disclose the use of an insertion wedge without retaining means as secondary anchor further augmenting the pressure generated by primary anchor means, contrary to the present disclosure.

Based on the foregoing, Applicant respectfully submits that SU '425 fails to disclose or in any way make obvious the present invention.

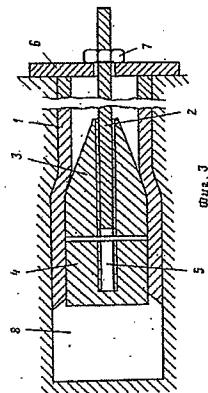
Further, Applicant respectfully submits that upon review by the Examiner, the Examiner will find that the additional references cited in the contemporaneously filed IDS anticipate or make obvious the present invention.

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance.

END OF REMARKS

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Finally, we have attached hereto a rejection by the Russian patent office citing numerous rejections not previously presented. (Exhibit G) In particular, we believe that Soviet Union patent 1,511,425 (Exhibit H) to be most pertinent to expansion sheaths. See below. We believe that additional work must be conducted to overcome these rejections.



The Office Action of March 14, 2008 does not cite any specific prior art with respect to claim 8. Thus, claim 8 has been combined into claim 1. Further, the Office Action states independent claims 10, 15 and 17 as amended comply with the conditions of patentability. Please make appropriate amendments to the claims in view of the prior art cited by the Russian Patent Office and above references.

Very Truly Yours,

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